(1)

Supreme Court, U.S.
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No. 01- 01 482 SEP 19 2001

Supreme Court of the United States

Term October 2001

Roger W. Knight, petitioner

v.

Royanne M. Schmitz, Norm Maleng, King County Prosecuting Attorney, and Gary Locke, Governor of Washington, respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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10 pp

I. Questions Presented For Review

A. Does *Rooker-Feldman* doctrine apply to deny federal courts subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343(a), and 42 U.S.C. §1983 for a complaint for relief from an old state court child support judgment based upon a subsequent decision by this Court that changed the controlling law and where relief is prohibited in the state's courts by state statute? Does district court have subject matter jurisdiction to decide underlying constitutional challenge to state statute pursuant to *District of Columbia Court of Appeals v. Feldman*, (1983) 460 U.S. 462, 482-487, 75 L. Ed. 2d. 206, 103 S. Ct. 1303? Is *Feldman* inconsistent with subsequent decisions of this Court? Did 1996 Amendment to 42 U.S.C. §1983 create exception to *Rooker-Feldman* where declaratory relief is otherwise unavailable in motion or action for relief from old state court judgment?

B. Does the subsequent decision, *Troxel v. Granville*, (2000) 530 U.S. 57, 147 L. Ed. 2d. 49, 120 S. Ct. 2054, 2061, change the law controlling the issue of whether the state's interest in establishing and enforcing child support orders is limited to the situation where the support is necessary to allow the custodial parent to adequately care for the children and only to the extent so necessary?

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IV. Decision Below

The memorandum below is not yet noted on a Table in the Federal Reporter.

V. Statement of Grounds For Jurisdiction of this Court

The memorandum below was filed by the court of appeals on August 30, 2001. This Petition for Writ of Certiorari is presented within 90 days of the memorandum below.

This Court has jurisdiction to review this decision provided by 28 U.S.C. §1254(1).

VI. Laws Involved in this Case

Provisions of the United States Constitution

Fourteenth Article of Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Laws of the United States

28 U.S.C. §1257(a)

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. §1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. §1343(a)

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation, under color of

any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

28 U.S.C. §2283

A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

42 U.S.C. §1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such

officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Revised Code of Washington

RCW 26.09.170(1)

Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in subsections (4), (5), (8), and (9) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

RCW 26.19.001

The legislature intends, in establishing a child

support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' income, resources, and standard of living. The legislature also intends that the child support obligation should be equitably apportioned between the parents.

The legislature finds that these goals will be best achieved by the adoption and use of a state-wide child support schedule. Use of a state-wide schedule will benefit children and their parents by:

(1) Increasing the adequacy of child support orders through the use of economic data as the basis for establishing the child support schedule;

(2) Increasing the equity of child support orders by providing for comparable orders in cases with similar circumstances; and

(3) Reducing the adversarial nature of the proceedings by increasing voluntary settlements as a result of the greater predictability achieved by a uniform state-wide child support schedule.

VII. Statement of the Case

On November 3, 2000, Roger W. Knight filed the Complaint in the District Court for the Western District of Washington, No. C00-1874R.

On February 26, 2001 Mr. Knight filed his Motion for Summary Judgment.

On March 16, 2001, Appellee Norm Maleng

filed his Motion for Summary Judgment.

On March 19, 2001, Appellee Gary Locke filed his Motion for Dismissal and for Summary Judgment.

On May 1, 2001 the district court entered the Order Granting Defendants' Motions for Summary Judgment. App. pp. 3-9. On that same day, the district court entered the Judgment.

On May 7, 2001 Mr. Knight appealed to the Ninth Circuit Court of Appeals, No. 01-35459. The court of appeals had jurisdiction under 28. U.S.C. §1291.

On August 30, 2001, the court of appeals filed the memorandum affirming the district court's decision. App. pp. 1-2.

VIII. Argument for Allowance of the Writ

A. *Rooker-Feldman* Doctrine Does Not Apply

This case is brought under 28 U.S.C. §§ 1331, 1343(a), and 42 U.S.C. §1983 as an independent action for relief from an old state court child support judgment on the basis of a subsequent decision by this Court, *Troxel v. Granville*, (2000) 530 U.S. 57, 147 L. Ed. 2d. 49, 120 S. Ct. 2054. Both Washington Civil Rule 60 and FRCP 60 provide for this avenue of relief, when a motion for relief from the judgment cannot be had in the same case in the same court that originally entered the judgment, or

as an alternative to such a motion, whether such independent action is brought in that same court or in a different court.

A motion for relief from judgment is not a direct review of the judgment, *Polites v. United States*, (1960) 364 U.S. 426, 437, 5 L. Ed. 2d. 173, 81 S. Ct. 202:

> The validity of the District Court's interpretation of §305 is not before us; we are not here directly reviewing the 1953 decision. We hold only that the decisions in *Maisenburg* and *Nowak* were not effective to alter the law controlling the petitioner's case.

If *Nowak v. United States*, (1958) 356 U.S. 660, 2 L. Ed. 2d. 1048, 78 S. Ct. 955 and *Maisenberg v. United States*, (1958) 356 U.S. 670, 2 L. Ed. 2d. 1056, 78 S. Ct. 960 were effective to alter the law, then relief from the 1953 judgment could be had without directly reviewing the judgment.

Therefore, the doctrine set forth in *Rooker v. Fidelity Trust Co.*, (1923) 263 U.S. 413, 68 L. Ed. 362, 44 S. Ct. 149 and *District of Columbia Court of Appeals v. Feldman*, (1983) 460 U.S. 462, 75 L. Ed. 2d. 206, 103 S. Ct. 1303 does not apply because such an independent action for relief from an old judgment based upon subsequent decision that changed the law controlling the case is an exercise of the court's original jurisdiction.

The district court and court of appeals decisions therefore directly conflict with this court's

decision in *Polites*.

A(1) Even if *Rooker-Feldman* Applies, District Court Has Subject Matter Jurisdiction Over Challenge to State Statute

The Ninth Circuit in this case and in the published opinions cited therein, please see App. p. 1-2, has determined that if it has to find that the state court wrongfully decided the issue in question, then *Rooker-Feldman* deprives the federal courts of jurisdiction otherwise available, and thus it found that it could not decide petitioner's *Troxel* based challenge to state child support laws.

But *Feldman*, at 460 U.S. 482-3, found:

> To the extent Hickey and Feldman mounted a general challenge to the constitutionality of Rule 46I(b)(3), however, the District Court did have subject-matter jurisdiction over their complaints.

and at 460 U.S. 487:

> The respondents' claims that the rule is unconstitutional . . . do not require a review of a judicial decision in a particular case. The District Court, therefore, has subject matter jurisdiction over these elements of the respondents' complaints.

Likewise, the district court in this case has subject matter jurisdiction to hear Mr. Knight's *Troxel* based challenge to chapter 26.19 RCW, the

state's child support schedule law, because it does not require review of any particular judicial decision in any particular case. While the district court found that *Rooker-Feldman* prohibits collateral review of state court judgments, App. p. 6, and while both district court and the court of appeals found that it lacked subject matter jurisdiction to decide the *Troxel* based challenge because such a challenge is inextricably intertwined with the state court child support proceedings, App. pp. 1-2, 6-8, *Feldman* said no such thing and remanded the case back to the district court to determine the constitutional challenge to the rule itself without making any determination of possible res judicata effect, leaving it for the district court to decide, 460 U.S. 487-488.

A(2). *Feldman* is Inconsistent With Subsequent Decisions of this Court

The *Rooker-Feldman* doctrine is that only this Court, pursuant to 28 U.S.C. §1257, may review the final decision of a state court and that none of the jurisdictional statutes grant the federal district courts appellate jurisdiction to review a state court judgment. But that is not consistent with this Court's more recent decisions setting forth the rules of statutory construction.

In *Hartford Underwriters Ins. Co. v. Union Planters Bank, NA*, (2000) 530 U.S. 1, 147 L. Ed. 2d. 1, 120 S. Ct. 1942, at 1947, Justice Scalia wrote:

> . . . we begin with the understanding that Congress "says in a statute what it means and means in a statute what it says there," *Connecticut Nat. Bank v. Germain*, 503 U.S. 249, 254, 112 S. Ct. 1146, 117 L. Ed. 2d. 391 (1992). As we have previously noted . . . when "the statute's language is plain, 'the sole function of the courts'" - at least where the disposition required by the text is not absurd - "is to enforce it according to its terms.'" *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 241, 109 S. Ct. 1026, 103 L. Ed. 2d. 290 (1989) (quoting *Caminetti v. United States*, 242 U.S. 470, 485, 37 S. Ct. 192, 61 L. Ed. 442 (1917)).

In *Harris Trust & Savings Bank v. Salomon Smith Barney, Inc.*, (2000) 530 U.S. 238, 147 L. Ed. 2d. 187, 120 S. Ct. 2180, at 2191, Justice Scalia quoted *Hughes Aircraft Co. v. Jacobson*, (1999) 525 U.S. 432, 438, 142 L. Ed. 2d. 881, 119 S. Ct. 755, which in turn quoted *Estate of Cowart v. Nicklos Drilling*, (1992) 505 U.S. 469, 475, 120 L. Ed. 2d. 379, 112 S. Ct. 2589 that in statutory construction, analysis begins with language of statute and quoted *Connecticut Nat. Bank* at 503 U.S. 254 "where the statutory language provides clear answer, it ends there as well".

The language of 28 U.S.C. §1257 provides clear answer that while it is a means of federal review of a state court judgment, it does not

preclude any other Act of Congress providing a federal court with the authority to review or otherwise consider the correctness of state court judgments. 28 U.S.C. §2254 may not provide direct review of state court judgment, but as an avenue of collateral attack, the federal courts are authorized to find that the state court decisions were wrong. *Fiore v. White*, (2001) 148 L. Ed. 2d. 629, 121 S. Ct. 712 (*Fiore II*) finding that where subsequent Pennsylvania Supreme Court decision did not change the controlling law, the original criminal conviction in Pennsylvania court violated the Fourteenth Amendment.

There are at least two other Acts of Congress that create exceptions to *Rooker-Feldman*: the 1996 Amendment to 42 U.S.C. §1983[1] and the Antipeonage Act. These are detailed herein below. Within these exceptions, the federal court can find that the state court was wrong.

A(3). *Younger* Abstention Does Not Apply

Younger v. Harris, (1971) 401 U.S. 37, 46-54, 27 L. Ed. 2d. 669, 91 S. Ct. 746 established the doctrine that federal courts ordinarily abstain where there are on going state court proceedings with some exceptions, including where a plaintiff can

[1] Federal Courts Improvement Act, P.L. 104-317 §309(c), 110 Stat 3853.

show that he lacks adequate remedy in the state's courts. Where an exception to *Younger* abstention doctrine applies, *Mitchum v. Foster*, (1972) 407 U.S. 225, 32 L. Ed. 2d. 705, 92 S. Ct. 2151 found that 42 U.S.C. §1983 creates a statutory exception to 28 U.S.C. §2283.

In this case, the lack of remedy is proven by RCW 26.09.170(1), which prohibits the state's courts from granting any relief from a child support order for months prior to the bringing of any such motion. "Abstention is appropriate unless state law clearly bars the interposition of the constitutional claims." *Moore v. Sims*, (1979) 442 U.S. 415, 425-425, 60 L. Ed. 2d. 994, 99 S. Ct. 2371. And "federal plaintiff must have an opportunity to press his claim in the state courts, and as noted above, the appellees have not shown that state procedural law barred presentation of their claims." *Moore* at 442 U.S. 432. Therefore, respondents conceded in the district court and in the court of appeals, that *Younger* abstention does not apply.

A(4). 1996 Amendment to 42 U.S.C. §1983

In 1996 Congress amended the Civil Rights Act of 1871 by adding language concerning suits against state court judges. The 1996 amendment provided that injunctive relief shall not be granted against a judicial officer unless "declaratory relief was unavailable." Purpose of this amendment is to

reverse *Pulliam v. Allen*, (1984) 466 U.S. 522, 80 L. Ed. 2d. 565, 104 S. Ct. 1970, but the immunity for the state court judges is not intended to be absolute. The committee report states that the revision allows litigants to seek declaratory relief or injunctive relief if declaratory relief is unavailable. 1996 U.S. Code Cong. & Adm. News, p. 4217. Where declaratory relief from old judgments due to change in the controlling law are unavailable in the state courts, this creates a statutory exception to *Rooker-Feldman* doctrine if such doctrine applies.

A(5). Antipeonage Act

42 U.S.C. §1994 declares null and void any attempt by virtue of state law to establish, maintain, or enforce any person's service of labor as a peon in liquidation of a debt or obligation, whether such orders were imposed before or after the passage of the statute in 1867. Since state court orders that establish, maintain, or enforce peonage are clearly included, this statute creates an exception to *Rooker-Feldman* doctrine. It is an explicit abrogation of Eleventh Amendment immunity as authorized by Section 2 of the Thirteenth Amendment, the Appropriate Legislation Clause. Issues concerning this statute are brought by Mr. Knight in his petition for certiorari in *Knight v. Maleng*, No. 00-1808.

B. *Troxel* Changed Controlling Law

In *Troxel v. Granville*, (2000) 530 U.S. 57, 147 L. Ed. 2d. 49, 120 S. Ct. 2054, 2060 Justice O'Connor found:

> In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

and:

> Accordingly, so long as a parent adequately cares for his or her children (*i.e.*, is fit), there will normally be no reason for the State to inject itself into the private realm of the family to question the ability of that parent to make the best decisions concerning the rearing of that parent's children.

To the extent that "adequately cares for his or her children" can be reduced to the monetary expense of supporting her children, then what the parent does with the rest of her money is outside the state's legitimate interest. This Court has recognized that noncustodial parents are also protected by substantive due process in their fundamental rights, *Zablocki v. Redhail*, (1978) 434 U.S. 374, 384-386, 54 L. Ed. 2d. 618, 98 S. Ct. 673.

Under *Troxel*, there is no legitimate interest of government beyond the minimum level of support

necessary to "adequately care for his or her children" that can justify the modification of a Constitutional right. Chapter 26.19 RCW, upon which the child support order is based, is unconstitutional on its face to the extent that it is based upon the Legislative intent not only to provide the minimum level of support necessary to adequately care for the child, but "to provide additional child support commensurate with the parents' income, resources, and standard of living." RCW 26.19.001.

Because decisions on how to spend any amount of money beyond what is necessary to adequately care for the children are so fundamentally intertwined with the parents' Fourteenth Amendment right to make decisions as to care, custody, and control of their children, any state court order mandating that parent spend such money is offensive to the Fourteenth Amendment, whether the parent has custody of his or her children or not. A child support order is an order requiring the parent to yield such decision making authority to the other parent and does not allow the paying parent to "second guess" the receiving parent's decisions as to how his own money is spent, by withholding the payments.

Where the custodial parent has resources sufficient to allow adequate care for the child, under *Troxel*, the State has no interest of government that justifies imposing any support order upon the

noncustodial parent. The noncustodial may still contribute to the support of the child, the two parents may work things out in some other way, but the State must stay out of it as long as the child is adequately supported.

IX. Conclusion

For the reasons stated herein, this Petition for Writ of Certiorari should be granted.

Respectfully submitted,
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NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROGER W. KNIGHT,)
Plaintiff-Appellant,) No. 01-35459
v.) D.C.No.CV-00-01874-BJR
ROYANNE M. SCHMITZ,)
et al.,) MEMORANDUM[1]
Defendants-Appellees.)

Appeal from the United States District Court
for the Western District of Washington
Barbaa J. Rothstein, Chief Judge, Presiding
Submitted August 13, 2001[2]

Before: HAWKINS, TASHIMA, and GOULD,
Circuit Judges.

Roger W. Knight appeals pro se the district court's dismissal for lack of subject matter jurisdiction of his 42 U.S.C. §1983 action. The claims in Knight's complaint are inextricably

[1] This disposition is not appropriate for publication and may not be cited to or by the courts of this Circuit except as may be provided by Ninth Circuit Rule 36-3.

[2] The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

intertwined with prior Washington State court child support proceedings. The district court did not err in dismissing Knight's action because under the *Rooker-Feldman* doctrine federal district courts lack authority to review state court judgments. *District of Columbia Court of Appeals v. Feldman,* 460 U.S. 462, 476 (1983); *Worldwide Church of God v. MeNair,* 805 F.2d 888, 892-93 (9th Cir. 1986); *Branson v. Nott,* 62 F.3d 287, 291-92 (9th Cir. 1995).

AFFIRMED.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROGER W. KNIGHT, Plaintiff, v. ROYANNE M. SCHMITZ; NORM MALENG, King County Prosecuting Attorney; and GARY LOCKE, Governor of Washington, Defendants-Appellees.)	) NO. C00-1874R) ORDER GRANTING) DEFENDANT'S) MOTIONS FOR) SUMMARY) JUDGMENT

THIS MATTER comes before the court on plaintiff Roger W. Knight's ("Knight") motion for summary judgment, defendant Gary Locke's ("Locke") cross-motion for summary judgment, and defendant Norm Maleng's ("Maleng") cross-motion for summary judgment. Having reviewed the papers filed in support of and in opposition to these motions, the court rules as follows:

I. BACKGROUND

Plaintiff Knight and defendant Royanne Schmitz ("Schmitz") were married in 1986 and had two children together. In 1988, after the couple separated, the state Department of Social and Health Services ("DSHS") used an administrative hearing to determine Knight's child support obligations.

Knight contested the determination, including its constitutionality, but the order was upheld and later was entered in state superior court.

In a separate proceeding in 1991, the superior court finalized Knight's dissolution. The court entered an order setting Knight's future child support obligation at $851.76 per month. The court applied state child support statutes when calculating the obligation and ordered Knight to pay the support into the state child support registry. Knight did not appear at the presentment of the order. He also did not appeal the order. Knight later sued Schmitz and the state in district court regarding the dissolution. The court dismissed Knight's complaint.

The state enforced both the administrative order and the superceding court decree through June 1995. At that time, Knight ceased working. Since then, the state has been able to collect only $505.59 from a bank account garnishment in 1999 and $2,000 from a contempt proceeding in 2000. The money was paid to Schmitz. As of December 31, 2000, Knight owed $57,993.63 in unpaid back child support. $6,014.68 of the unpaid back support is assigned to the State of Washington to compensate for Schmitz' past receipt of public assistance. Child support continues to accrue.

Knight filed this action on November 3, 2000. The complaint alleges that defendants deprive Knight of constitutional rights guaranteed by 42 U.S.C. § 1983 by enforcing the child support orders.

He alleges that the **U.S.** Supreme Court decision Troxel v. Granville, 530 U.S. 57, 120 5. Ct. 2054, 147 L. Ed. 2d 49 (2000), renders Washington's child support statutes unconstitutional to the extent they require parents to pay more than minimal support for their children. Specifically, Knight alleges that his support orders require payments above minimal levels and therefore violate his due process rights under the Fourteenth Amendment. Knight requests that this court grant the following relief: (1) a money judgment against Schmitz for support received under the orders, (2) a declaration that past support payments by Knight fully satisfy any support due the state under the orders, (3) an injunction preventing all defendants from enforcing the support orders and from prosecuting him for failing to comply with the orders, and (4) an award of costs and attorneys fees. Knight then filed this motion for summary judgment, and Locke and Maleng filed cross motions based on a variety of legal arguments.

II. ANALYSIS

This court has a duty to determine whether subject matter jurisdiction exists before addressing other defenses or the merits of a claim. See Solano v. Beilby, 761 F.2d 1369, 1370 (9th cir. 1985). Federal district courts are courts of original jurisdiction and cannot review the final determinations of a state court. See Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16, 44 5. Ct.

149, 68 L. Ed. 362 (1923): Worldwide Church of God v. MoNair, 805 F.3d 888, 890 (9th Cir. 1986). This principle, known as the Rooker-Feldman doctrine, is grounded in a federal statute that vests the power to review state court decisions solely in the United States Supreme Court. 28 U.S.C. § 1257; see also District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476, 103 S. Ct. 1303, 75 L. Ed. 2d 206 (1983); Rooker, 263 U.S. at 416, 44 S. Ct. 149, 68 L. Ed. 362; Olson Farms, Inc. v. Barbosa, 134 F.3d 933, 937 (9th Cir. 1998) (Rooker-Feldman is jurisdiction doctrine rather than derivative of res judicata). District courts have no power to review the state decisions directly or collaterally. See Feldman, 460 U.S. at 476.

"This doctrine applies even when the challenge to the state court decision involves federal constitutional issues." Worldwide Church of God, 805 F.2d at 891 (no subject matter jurisdiction over case brought under 42 U.S.C. § 1983). The district court may only hear a general constitutional challenge that does not require examination of final decisions in a particular case. See Dubinka v. Judges of the Superior Court, 23 F.3d 218, 221 (9th Cir. 1994). . The test is whether the new claims are "inextricably intertwined" with the prior order and would require the district court to "scrutinize not only the challenged rule itself, but the [state court's] application of the rule." Worldwide Church of God, 805 F.2d a: 892, quoting Razatos v. Colorado

Supreme Court, 746 F.2d 1429, 1433 (10th Cir. 1984). Courts have applied Rooker-Feldman in a variety of scenarios, including attempts to overturn provisions of dissolution decrees. See Powell v. Powell, 80 F.3d 464 (11th Cir. 1996)

Based on the above principles, this court lacks subject matter jurisdiction over Knight's complaint. Knight seeks relief from child support orders issued by state courts. He wants reimbursement for past amounts paid under the orders, a declaration that he has fulfilled any past obligations under the orders, and an injunction preventing future enforcement or prosecution under the orders. The lawsuit requires more than an abstract analysis of whether Washington's child support statute complies with the Fourteenth Amendment; it requires this court to analyze whether the state court orders themselves violate Knight's constitutional rights and should be overturned. See Dubinka, 23 F.3d at 222 (distinguishing challenge of overall statute from challenge to statute as applied in specific criminal proceedings). A federal district court has no jurisdiction to disturb state court judgments, even if a state court ruled incorrectly. See Olson Farms, 134 F.3d at 937 (party argued that state court ruled incorrectly on federal preemption); Centres, Inc. v. Town of Brookfield, 148 F.3d 699, 702 (7th Cir. 1998)

While portions of Knight's briefing claim he

seeks only general relief, he cannot evade the doctrine so easily. Knight's complaint does not attack the constitutionality of Washington's child support scheme in isolation. Instead, he wants this court to relieve him of all obligations under orders that applied the statute. This court would need to examine the orders, examine the law applied by the court, examine the facts the court used to apply the law, and examine whether the court applied the law to Knight in a constitutional manner. Just as the court in Worldwide Church of God could not examine a state court judgment to see if First Amendment principles were applied properly, this court cannot examine the state court judgments to see whether the Fourteenth Amendment was applied properly. 805 F.2d at 892.

Nor can Knight obtain subject matter jurisdiction by claiming that he seeks only prospective relief from the child support statute. This is not a lawsuit brought on new facts or under the threat of a new order. It merely seeks to prevent future enforcement or prosecution of orders decided years ago. See Olson Farms, 134 F.3d at 933 (distinguishing situation where party might bring an entirely new claim based on new and different facts). Prospective relief still would require this court to rule that the state courts were wrong and thus disturb final state court judgments. Because this court lacks subject matter jurisdiction over Knight's cause of action under the Rooker-Feldman

doctrine, the court need not address subject matter jurisdiction as to some of the parties under the Eleventh Amendment. The court also need not address other affirmative defenses raised by the parties, such as immunity, claim preclusion, or issue preclusion.

III. CONCLUSION

The court DENIES plaintiff's motion for summary judgment and GRANTS defendants' motions for summary judgment. The court lacks subject matter jurisdiction and all claims are dismissed as to all defendants.

DATED at Seattle, Washington this 1st day of May, 2001.

/s/
BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT JUDGE